

Application No.: 09/887,978

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Docket No.: 1780/1D144US2

REMARKS/ARGUMENTS

This is a response to the Office Action dated March 3, 2003. Reconsideration of the claims based on the remarks provided below is respectfully requested. Claims 24 to 30 have been canceled without prejudice and claims 22 and 23 have been amended.

Rejection under 35 U.S.C. § 102(b)

The Examiner rejected claim 22 under 35 U.S.C. §102(b) as being anticipated by Mazzocchi (WO 96/01591). Claim 22 is independent. Claim 22 as amended recites "a vascular filter guide wire being insertable and steerable through said vasculature to a position downstream of said lesion and being in contact with said vasculature during insertion." Therefore, claim 22 explicitly recites a guide wire which is insertable and steerable through a patient's vasculature and is in contact with the vasculature during insertion. Support for the amendment is found in claim 23 as originally filed which recited "a core wire having a proximal end and a distal end for insertion and steering through a patient's vasculature to a position downstream of said lesion." In contrast, Mazzocchi describes a guide wire with a collapsible filter which is positioned for treatment by passage through the lumen of an introductory catheter (Mazzocchi, page 39, lines 26-28) or a Balloon catheter (Mazzocchi, page 40, lines 8-10). While in the invention as claimed, the guide wire is insertable and steerable through the vasculature, the Mazzocchi guide wire is not maneuverable in that manner. Rather, the Mazzocchi guide wire is inserted and steered with the use of the catheter. In addition, there is no explicit or implicit teaching of the Mazzocchi guide wire being steered to a location as it exits the catheter's distal end. Rather, it exits the distal end of the catheter in order to deploy collapsible filter. Indeed, the Mazzocchi guide wire cannot be positioned for treatment independently because the interior walls of the catheter's lumens constrain the collapsible filter from automatically expanding. Accordingly, Mazzocchi does not teach explicitly or implicitly at least the above described element of claim 22. Applicants therefore respectfully request that the 102(b) rejection be withdrawn and claim 22 be passed to issue.

In addition, Mazzocchi teaches away from the claimed guide wire because Mazzocchi teaches a filter which requires insertion through a catheter in order to be positioned at the surgical

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site. Therefore, the placement of the filter is approached in a different way than in the invention as claimed. Moreover, one feature of the claimed invention is to reduce the number of structural elements for deployment of a filter into a vasculature. The claimed invention of combining a filter with a steerable guide wire reduces the number of surgical structures to one. Mazzocchi uses at least two structures to place the filter, i.e., the catheter and the guide wire. Also, in Mazzocchi, an additional structure of a guide wire without a filter may be necessary to initially place the introduction or balloon catheter.

Rejection under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a)

The Examiner rejected claim 23 under 35 U.S.C. § 102(e) as being unpatentable over Mazzocchi (WO96/01591) and under 35 U.S.C. § 103(a) as being unpatentable over Mazzocchi in view of U.S. Patent Serial No. 5,329,942 to Gunther et al. Claim 23 as originally filed recited "an elongated flexible core wire having a proximal end and a distal end for insertion and steering through a patient's vasculature." Therefore, as filed, claim 23 clearly recites a steerable wire. Claim 23 has been further amended to further describe the steerability feature based on the wire contacting the vasculature during steering.

As described above, Mazzocchi does not teach a steerable guide wire and indeed teaches away from it. Therefore, Mazzocchi does not teach at least one element of claim 23. Moreover, Gunther does not provide this teaching. Therefore, applicants respectfully request that the 103(a) rejections be withdrawn and claim 23 be passed to issue.

Applicants further respectfully request that the above amendments and remarks be fully entered and considered by the Examiner since the steerability feature of the inventive guide wire was recited in claim 23 as originally filed and pending as of the March 3, 2003 Office Action. However, in addressing the elements of claim 23 allegedly taught by the cited prior art, the Examiner did not address the steerability feature. Applicants respectfully request that the Examiner do so in response to this amendment since this feature is not taught by the cited prior art.

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CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

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Respectfully submitted,

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